

Application Number 09/755,714
Response dated September 29, 2005
Responsive to Office Action mailed June 29, 2005

REMARKS

This response is responsive to the Office Action dated June 29, 2005. Applicant has not amended any of the pending claims. Claims 1, 4-16, 18, 19, 22-27, and 31-33 remain pending.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 4-16, 18, 19, 22-27 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Francis et al. (U.S. Pat. No. 6,600,418) in view of Anders et al. (U.S. Pat. No. 4,827,395). Applicant respectfully traverses the rejection.

As a preliminary matter, Applicant would like to point out that Francis et al. does not qualify as prior art under 35 U.S.C. § 103 with respect to Applicant's claims. 35 U.S.C. § 103(c)(1) provides the basis for this conclusion, stating that:

[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application was filed prior to the publication date of Francis et al., thus qualifying Francis et al. as prior art under § 102(e). Furthermore the present application and Francis et al. were subject to an obligation of assignment to 3M Innovative Properties Company at the time the claimed invention was made. Therefore, Francis et al. cannot be cited as prior art for a 35 U.S.C. § 103 rejection.

Applicant also points out that even if Francis et al. properly qualified as prior art, however, the reference fails to disclose or suggest the inventions defined by Applicant's claims, and provides no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

With reference to independent claims 1, 10, 15, 18, 22, 24, and 27, for example, Francis et al. lacks any teaching that would have suggested a user interface in which a representation of an interrogation area is shown on the display as a first graphical component and a representation of an item of interest is shown on the display as a second graphical component relative to the first graphical component to indicate a location of the item of interest within the interrogation area. Instead, Francis et al. describes displaying a user interface to an operator to assist the operator in

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approaching the item of interest. Col. 11, ll. 25-27. The user interface, illustrated in FIG. 9, consists of a bar the length of which changes as a function of RF power level. Col. 11, ll. 34-35. As a result, Francis et al. displays the distance to a sought object relative to the current location of the interrogator, not relative to a representation of the interrogation area scanned by the interrogator.

Anders et al. fails to cure the deficiencies of Francis et al. Like Francis et al., Anders et al. lacks any teaching that would have suggested a user interface in which a representation of an interrogation area is shown on the display as a first graphical component and a representation of an item of interest is shown on the display as a second graphical component relative to the first graphical component to indicate a location of the item of interest within the interrogation area, as required by Applicant's independent claims 1, 10, 15, 18, 22, 24, and 27. Instead, Anders et al. describes an X-Y-Z axis projection on a display that shows a position of the hand held unit as a "U" and the position of a lost object as an "O" within an entire building (FIG. 8). See, e.g., FIG. 8, 29 and Col. 36, ll. 55-58. Thus, Anders et al. displays the location of the sought object with the building relative to a current location of the hand held unit, not relative to a representation of an interrogation area.

In light of the inapplicability of Francis et al. and in view of the remarks above, Applicant requests withdrawal of this rejection. Furthermore, Applicant reserves comments concerning differences between the other claims of the invention and the systems described in Francis et al. and Anders et al.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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